



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/45

In the Matter of Land in the Parish of
Kentisbeare, Devon

DECISION

This reference relates to the question of the ownership of land in the parish of Kentisbeare, being the land comprised in the Land Section of Register Unit No. CL.235 in the Register of Common land maintained by the Devon County Council of which no person is registered under section 4 of the Commons Registration Act 1965, as the owner.

Following upon the public notice of this reference Mr B Pratt, Mr L Sanders, and Mr G H Twitt claimed to be the joint freehold owners of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Exeter on 27 November 1979. At the hearing, Mr Twitt appeared in person. There was no appearance by or on behalf of Mr Pratt and Mr Sanders. Mr Twitt produced a conveyance made 29 July 1977 between (1) David William Robert Pengelly (2) George Henry Twitt and Leah Twitt, his wife, by which Sewell's Farm and a right of common over the land in question were conveyed to Mr and Mrs Twitt. Mr Pengelly was the successor in title of Mr G A J Tilbury, whose application for the registration of a right of common attached to Sewell's Farm became final on 1 August 1972.

It is thus clear that Mr and Mrs Twitt are entitled to the right of common attached to Sewell's Farm, but not to the ownership of the common land.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 2 of the Act of 1965.

I am required by regulation 30 (1) of the Commons Commissioners' Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

11th

day of

December

1979


Chief Commons Commissioner